

PLATTSMOUTH PLANNING COMMISSION MINUTES
November 15, 2018

Meeting convened at 7:30 p.m. on November 15, 2018 at the Plattsmouth City Hall, 136 N. 5th Street, Plattsmouth, Nebraska. A copy of the agenda for the meeting is attached to these minutes. Notice of the meeting, which communicated the availability of the agenda, was published in *The Plattsmouth Journal*, Plattsmouth, Nebraska, on November 1, 2018, with the Affidavit of Printer as proof of publication attached to these minutes. Notice of the meeting and the agenda were provided to all members in advance. All proceedings were taken while convened with attendance open to the public.

ITEM 1

Chairman Jeff Kindig called the meeting to order at 7:30 p.m.

ITEM 2

Kindig announced the location of the Open Meetings Act and of documents pertaining to the planning agenda.

ITEM 3

Answering roll call were Angela Minahan, Mary Harding, Mike Bowman, Jeff Kindig, Dewayne Prince. Heather Herlick arrived at 7:45 p.m., Robert Rice arrived at 7:47 p.m. Absent was Rich McKinley, Karen Weaver.

ITEM 4

MOTION BY BOWMAN, SECONDED BY HARDING, TO APPROVE THE MINUTES OF THE OCTOBER 18, 2018 MEETING. On roll call, VOTING YES, HARDING, BOWMAN, KINDIG, PRINCE, MINAHAN; VOTING NO, NONE; ABSENT AND NOT VOTING, MCKINLEY, RICE, HERLICK, WEAVER. MOTION CARRIED.

ITEM 5

Kindig opened a public hearing at 7:32 p.m. and read from the agenda, "A public hearing regarding a request by Norris Franzen for a preliminary and final plat of a major subdivision of Copper Corral Estates, located southwest of the intersection of Highway 66 and Highway 75, legally described as Lot "A" and Lots 1 thru 19, inclusive, located in the NE ¼ of the NE ¼ Section 23, Township 12 North, Range 13 East of the 6th P.M., Cass County, Nebraska." No one spoke, and Kindig closed the hearing at 7:32.

ITEM 6

Kindig read from the agenda, “Consider a recommendation to the Plattsmouth City Council regarding a request by Norris Franzen for a preliminary and final plat of a major subdivision of Copper Corral Estates, located southwest of the intersection of Highway 66 and Highway 75, legally described as Lot “A” and Lots 1 thru 19, inclusive, located in the NE ¼ of the NE ¼ Section 23, Township 12 North, Range 13 East of the 6th P.M., Cass County, Nebraska.” Following discussion: MOTION BY HARDING, SECONDED BY BOWMAN, TO APPROVE RESOLUTION 18-002:

Resolution No: 18-002

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLATTSMOUTH, NEBRASKA TO RECOMMEND TO THE PLATTSMOUTH CITY COUNCIL (1) THE WAIVER OF CERTAIN SECTIONS OF THE SUBDIVISION ORDINANCE IN CONNECTION WITH THE REQUEST BY NORRIS FRANZEN FOR APPROVAL OF PRELIMINARY PLAT AND FINAL PLAT OF A MAJOR SUBDIVISION OF COPPER CORRAL ESTATES AND (2) SUBJECT TO THE WAIVER OF SUCH SECTIONS OF THE SUBDIVISION ORDINANCE, THE APPROVAL OF THE PRELIMINARY PLAT AND THE FINAL PLAT OF A MAJOR SUBDIVISION OF COPPER CORRAL ESTATES.

WHEREAS, Norris Franzen (“**Applicant**”) filed an application (“**Proposed Replat**”) to replat Copper Corral Estates, a subdivision located Southwest of the Intersection of Highway 66 and Highway 75 and legally described as Lot “A” and Lots 1 thru 19, inclusive, located in the NE ¼ of the NE ¼ Section 23, Township 12 North, Range 13 East of the 6th P.M., Cass County, Nebraska (“**Copper Corral**”);

WHEREAS, the Proposed Replat entails subdividing an approximately 35’ wide strip of Lot “A” (“**Equestrian Outlot**”), located along three sides of the perimeter of the Copper Corral development and originally intended for use as an equestrian route, into 19 parcels, and combining each of the 19 subdivided parcels of the Equestrian Outlet with Lots 1 thru 19, each an existing single family residential lot;

WHEREAS, the Proposed Replat is subject to the Major Subdivision Procedure set forth in Section 2.4 of the Plattsmouth Subdivision Ordinance since the Proposed Replat does not qualify for either the Administrative Procedure or the Minor Subdivision Procedure;

WHEREAS, the Subdivision Ordinance sets forth a number of design criteria and initial developments standards applicable to all subdivisions (“**Design Criteria**”);

WHEREAS, Copper Corral, as a preexisting development, does not conform to a number of the current Design Criteria;

WHEREAS, the Proposed Replat would not increase the nonconformance of the Copper Corral development;

WHEREAS, Section 2.4(e)(4)(c) of the Subdivision Ordinance empowers the City Council to waive sections of the Subdivision Ordinance upon the Planning Commission's recommendation of a waiver request; and

WHEREAS, the Planning Commission has determined to recommend the waiver of the Design Criteria to the extent such criteria apply to the Proposed Replat and to recommend approval of the Proposed Replat subject to the grant of such waiver.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission recommends in accordance with Section 2.4(e)(4)(c) of the Subdivision Ordinance that the following requirements of the Subdivision Ordinance be waived for the Proposed Replat:

1. Article 3 of the Subdivision Ordinance, Design Criteria and General Standards, sets forth certain design criteria and initial development standards for subdivisions. Since Copper Corral is an existing development and since the Proposed Replat will not change any natural or other physical features of the development, the design criteria and initial development standards in Article 3 should be waived to the extent they apply to the Proposed Replat; provided, such criteria and standards shall apply to any future development of Copper Corral.

2. Article 4 of the Subdivision Ordinance, Conservation Subdivision Design in ED Overlay Districts, does not apply to the Proposed Replat since Copper Corral is not located within an ED Overlay District.

3. Article 5 of the Subdivision Ordinance is intended to ensure functional and safe circulation patterns within new subdivisions. Since Copper Corral is an existing development and since the Proposed Replat will not change or otherwise impact the existing circulation system in the Copper Corral development, the design criteria and initial development standards in Article 4 should be waived to the extent they apply to the Proposed Replat; provided, such criteria and standards shall apply to any future development of Copper Corral and all provisions of Article 4 which by their terms apply even after the initial development of a subdivision shall remain applicable to the Copper Corral development.

4. Article 6 of the Subdivision Ordinance, Public Improvements and Infrastructure, is intended to assure that all subdivisions are adequately furnished with necessary public services. Since Copper Corral is currently furnished with all necessary public services and since the Proposed Replat will not change or otherwise impact the availability of such services, the design criteria and initial development standards in Article 6 should be waived to the extent they apply to the Proposed Replat; provided, such criteria and standards shall apply to any future development of Copper Corral and all provisions of Article 6 which by their terms apply even after the initial development of a subdivision shall remain applicable to the Copper Corral development.

5. Article 7 of the Subdivision Ordinance, Improvement Financing and Guarantees, does not apply to the Proposed Replat since the Proposed Replat does not require the installation of any streets, utilities, or other public improvements.

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BE IT FURTHER RESOLVED, that, subject to the foregoing waivers, the Planning Commission recommends approval of the preliminary plat and the final plat submitted by Norris Franzen for a major subdivision of Copper Corral Estates, a development southwest of the Intersection of Highway 66 and Highway 75, legally described as Lot "A" and Lots 1 thru 19 inclusive, located in the NE ¼ of the NE ¼ Section 23, Township 12 North, Range 13 East of the 6th P.M., Cass County, Nebraska.

PASSED AND APPROVED this ____ day of _____, 2018.

Jeff Kindig, Chair

ATTEST:

Kevin Larson, Zoning Administrator

On roll call: VOTING YES, BOWMAN, HERLICK, KINDIG, PRINCE, MINAHAN, HARDING; VOTING NO, NONE; ABSENT AND NOT VOTING, MCKINLEY, RICE, WEAVER. MOTION CARRIED.

ITEM 17

MOTION BY HARDING, SECONDED BY PRINCE TO ADJOURN. On roll call: VOTING YES, KINDIG, PRINCE, MINAHAN, HARDING, RICE, BOWMAN, HERLICK; VOTING NO, NONE; ABSENT AND NOT VOTING, MCKINLEY, WEAVER. MOTION CARRIED.

Meeting adjourned at 7:47 p.m.

Dewayne Prince
Secretary

Minutes recorded and typed by Kevin Larson

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